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PATENT
BHG&L Case 659/928

IN THE UNITED PATENT AND TRADEMARK OFFICE

Applicants: Paul T. Van Gompel et al. : K-C Docket 9733.5
Serial No.: 10/005,572 : Group Art Unit 3761
Filed: December 3, 2001 : Examiner: Dennis Ruhl
For: SANITARY NAPKINPKIN :
WITH GARMENT :
ATTACHMENT PANELS :

INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS 10/17/2002 SZEWDIE1 00000110 10005522
Washington, D.C. 20231 03 FC:1806 180.00 OP

Sir:

In conjunction with the examination of this Application, the Examiner is requested to consider the following references:

FOREIGN PATENT DOCUMENTS

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OTHER DOCUMENTS

a) Publication:

Takatoshi Kobayashi, Utilization of water-absorbent polymers in hygienic field, Zairyo Gijutsu, 6(9), 361-365 (1988) (in Japanese, with translation).

b) Papers filed in the EPO relating to EP 590,675:

Exhibit 1: Notice of Opposition of McNeil-PPC, Inc. (“Opponent I”), to the grant of European Patent 0,590,675 / 93 115848.9, filed 26.02.98 (February 26, 1998).

Exhibit 2: Notice of Opposition of SCA Mölnlycke AB (“Opponent II”), to the grant of European Patent 0,590,675 / 93 115848.9, filed 02.03.98 (March 2, 1998).

Exhibit 3: Notice of Opposition of Paul Hartmann AG (“Opponent III”?), to the grant of European Patent 0,590,675 / 93 115848.9, filed 23.02.98 (February 23, 1998) (in German, no translation).

Exhibit 4: Response to the Office Action of March 23, 1998, communicating Notices of Opposition of McNeil-PPC, Inc.; SCA Mölnlycke AB; and Paul Hartmann AG, to the grant of European Patent 0,590,675 / 93 115,848.9, filed October 1, 1998.

Exhibit 5: Observations of the Opposition Division of the EPO regarding the Oppositions to the grant of European Patent 0,590,675 / 93 115,848.9, dated 22.03.99 (March 22, 1999).

Exhibit 6: Minutes of the oral proceedings before the Opposition Division on 03.05.00 (May 3, 2000) regarding the Oppositions to the grant of European Patent 0,590,675 / 93 115,848.9.

Exhibit 7: Interlocutory Decision of the Opposition Division of the EPO regarding the Oppositions to the grant of European Patent 0,590,675 / 93 115,848.9, maintaining the Patent with amended claims, dated 19.07.00 (July 19, 2000).

Exhibit 8: Grounds of Appeal by SCA Mölnlycke AB (Opponent II) of EPO Decision of July 5, 2000 on the Oppositions to European Patent No. EP-B-595,047 filed 17 November 2000.

Exhibit 9: Grounds of Appeal by McNeil-PPC, Inc. (Opponent I) of EPO Decision of July 5, 2000 on the Oppositions to European Patent No. EP-B-595,047 filed 20 November 2000.

Exhibit 10: Response by Patentee to Grounds of Appeal of EPO Decision of July 5, 2000 on the Oppositions to European Patent No. EP-B-595,047 by Opponents I and II, filed May 23, 2002.

c) Papers filed in the EPO relating to EP 595,047:

Exhibit 11: Notice of Opposition of McNeil-PPC, Inc., to the grant of European Patent 0,595,047 / 93 115757.2, filed January 30, 1998.

Exhibit 12: Notice of Opposition of SCA Mölnlycke AB, to the grant of European Patent 0,595,047 / 93 115757.2, filed February 2, 1998.

Exhibit 13: Response to the Office Action of April 16, 1998, communicating Notices of Opposition of McNeil-PPC, Inc. and SCA Mölnlycke AB, to the grant of European Patent 0,595,047 / 93 115757.2, filed August 20, 1998.

Exhibit 14: Reply of McNeil-PPC, Inc., to the Response to the Office Action communicating Notices of Opposition of McNeil-PPC, Inc. and SCA Mölnlycke AB, to the grant of European Patent 0,595,047 / 93 115,757.2, filed January 13, 1999.

Exhibit 15: Reply of SCA Mölnlycke AB, to the Response to the Office Action communicating Notices of Opposition of McNeil-PPC, Inc. and SCA Mölnlycke AB, to the grant of European Patent 0,595,047 / 93 115,757.2, filed January 15, 1999.

Exhibit 16: Summons to attend oral proceedings, with observations by the Opposition Division, dated 01.12.99 (December 1, 1999).

Exhibit 17: Submission by Patentee, with amended claims and auxiliary request, filed March 31, 2000.

Exhibit 18: Minutes of the oral proceedings before the Opposition Division on 04.05.00 (May 4, 2000) regarding the Oppositions to the grant of European Patent 0,595,047 / 93 115,757.2.

Exhibit 19: European Patent Office Decision dated 05.07.00 (July 5, 2000) on the Oppositions to European Patent No. EP-B-595,047.

REMARKS

The Examiner has requested copies of the references cited in Applicants' Information Disclosure Statement other than U.S patents. For the Examiner's convenience, the previously cited references are cited in this Supplemental Information Disclosure Statement, and new 1449 forms are provided, so that the Examiner may acknowledge the references considered. In a number of instances, the publication dates and/or numbers of the references are corrected, as the application dates and/or numbers had been supplied. In those cases where a new publication number is cited, the previously-cited application number is indicated above parenthetically.

The papers previously supplied include copies of papers from two European Opposition proceedings. For the Examiner's convenience, the U.S. applications on which the European Applications are based, the European Applications, and the European Oppositions are described here briefly. Documents from the European Opposition proceedings are also provided.

The U.S. Applications:

This is a continuation of Van Gompel et al. Application Serial No. 08/600,317, filed February 13, 1996, issued May 14, 2002, as U.S. Patent 6,387,084; which is a continuation of Van Gompel et al. Application Serial No. 08/255,843, filed June 8, 1994, and now abandoned; which is a continuation of Van Gompel et al. Application Serial No. 08/954,524, filed September 30, 1992, and now abandoned.

Subject matter which is similar, but is believed to be distinct, is claimed in Van Gompel et al. Serial No. 08/892,744, filed July 15, 1997, now pending in Group Art Unit 3761 before Examiner Karin M. Reichle; which is a continuation of Van Gompel et al. Application Serial No. 08/954,102, filed September 30, 1992, and now abandoned.

The EPO Applications:

European Patent Application 93 115,757.2 was filed September 29, 1993, claiming priority of U.S. Application Serial No. 07/954,524, filed September 30, 1992 (ancestor of the

present Application). EPA 93 115,757.2 resulted in European Patent 0,595,047, which was involved in post-grant oppositions referred to below.

European Patent Application 93 115,848.9 was filed September 30, 1993, claiming priority of U.S. Application Serial No. 07/954,102, filed September 30, 1992 (parent of co-pending Application). EPA 93 115,848.9 resulted in European Patent 0,590,675, which was also involved in post-grant oppositions referred to below.

The EPO Oppositions:

EP 0,590,675 / EPA 93 115,848.9:

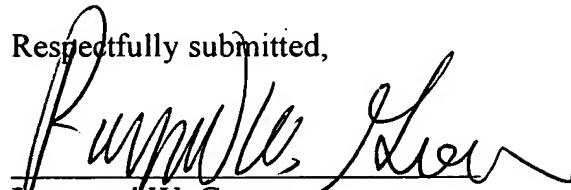
Three notices of Opposition to the grant of European Patent 0,590,675 / 93 115,848.9 were filed in February and March, 1998 (Exhibits 1-3). A response to the Oppositions was filed by the Patentee on October 1, 1998 (Exhibit 4). The Opposition Division of the EPO issued observations regarding the Oppositions on March 22, 1999 (Exhibit 5). The Patent was maintained with modified claims by decision dated July 19, 2000 (Exhibits 6 and 7). Two of the three opponents appealed the decision and filed reasons for appeal in November, 2000 (Exhibits 8 and 9). Patentee filed a response to the reasons for appeal on May 23, 2001 (Exhibit 10). No further papers have been issued by or filed with the EPO, and we are waiting for the assignment of an oral hearing date on the appeal.

EP 0,595,047 / EPA 93 115,757.2:

Two notices of Opposition to the grant of European Patent 0,595,047 / 93 115,757.2 were filed in January and February, 1998 (Exhibits 11 and 12). A response to the Oppositions was filed by the Patentee on August 20, 1998 (Exhibit 13). Replies were filed by both Opponents in January, 1999 (Exhibits 14 and 15). The EPO issued a summons to oral proceedings, with comments (Exhibit 16). A further response by the Patentee was filed March 31, 2000, submitting amended claims and an auxiliary request (Exhibit 17). European Patent 0,595,047 was revoked July 5, 2000, because the Opposition Division did not find support in the specification for the combination of features recited in our revised claims, although the features were individually disclosed (Exhibits 18-19). No appeal of the revocation decision was filed.

Copies of the references (including the EPO Opposition papers) now cited, and a Form PTO-1449 for the Examiner to initial to indicate review of the cited documents, are enclosed.

Respectfully submitted,


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October 9, 2002